

MAY 02 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAAHUADD SAHHIB STEWART,

Defendant - Appellant.

No. 07-10275

D.C. No. CR-05-00381-LDG/PAL

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, District Judge, Presiding

Submitted April 22, 2008^{**}

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Daahuadd Sahhib Stewart appeals from the 188-month sentence imposed following his guilty-plea conviction for armed robbery, in violation of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

18 U.S.C. § 2113(a), (d). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Stewart contends that his sentence is unreasonable because the district court did not impose a sentence below the Guideline's range based on his mental health problems. He asserts that the district court gave improper weight to a report that concluded that he exaggerated his symptoms. The record reflects that the district court did not clearly err in this regard. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007) (the district court commits a procedural error if it selects a sentence based on clearly erroneous facts). Moreover, Stewart's sentence is not substantively unreasonable. *See id.*

AFFIRMED.